

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,

Richmond, August 4th, 1863.

GENERAL ORDERS, }
No. 108.

The following acts are published for the information of the army:

An act to provide for Transportation of Persons who have been mustered into the Service for the War.

"The Congress of the Confederate States of America do enact, That non-commissioned officers and privates, who have been mustered into service for the war, and to whom furloughs may be granted for not more than sixty days, shall be entitled to transportation home and back: *provided*, that this allowance shall only be made once during the term of enlistment of such non-commissioned officers and privates." [Approved February 7, 1863.]

An act to amend an act for the establishment and organization of a General Staff for the Army of the Confederate States.

"The Congress of the Confederate States of America do enact, That from and after the passage of this act, the rank, pay and allowances attached to the office of Quartermaster General of the army of the Confederate States, shall be those of a Brigadier General in the provisional army." [Approved March 20, 1863.]

An act to prevent the absence of Officers and Soldiers without leave.

"The Congress of the Confederate States of America do enact, That no officer or soldier of the army shall receive pay for any period during which he may be absent without leave, or beyond the leave granted, from competent authority, according to the regulations of the army: *provided*, that this restriction shall not affect the sick or wounded in hospitals.

SEC. 2. In order to enforce the requirements of the foregoing section, it is hereby made the duty of commanding officers of companies to state upon the muster and pay rolls of their companies the length of time any officer or soldier has been absent therefrom, without leave of competent authority, since the previous payment, when the deduction of pay for such absence will be made by the quartermaster from the amount otherwise due the officer or soldier; and any commander of a company who

shall fail to note such absence on the muster and pay rolls of the company shall be required to refund to the government the amount forfeited by such absent officer or soldier, unless it shall already have been received from the officer or soldier so absent.

SEC. 3. Officers shall certify upon honor on their pay accounts whether they have or have not been absent, without leave by competent authority, within the time for which they claim pay; and if absent without leave, they shall state in their certificates the time and period of such absences. In like manner, commanding officers of companies shall certify on honor on their pay accounts that they have stated fully and correctly on the muster and pay rolls of their companies the length of time each officer and soldier of the company has been absent without leave since the last payment of the company.

SEC. 4. That this act shall not be construed to relieve any officer or private from any other penalty to which he may be liable by existing laws or regulations." [Approved April 16, 1863.]

An act explanatory of an act entitled an act to authorize the President to accept and place in the service certain regiments and battalions heretofore raised, approved 11th October 1862.

"The Congress of the Confederate States of America do enact, That the second section of the act entitled an act to authorize the President to accept and place in the service certain regiments and battalions heretofore raised, approved on the eleventh day of October in the year one thousand eight hundred and sixty-two, shall not be so construed as to authorize any general officer to appoint any of the officers of said regiments and battalions. That said regiments and battalions shall have the right within ninety days, on a day to be fixed by the commander of the brigade for that purpose, to elect such officers as volunteers have heretofore been authorized to elect: *provided*, that this act shall not apply to any case where such office has heretofore been filled by election." [Approved April 16, 1863.]

An act to repeal certain clauses of an act entitled an act to exempt certain persons from Military Service, &c., approved October 11th, 1862.

"The Congress of the Confederate States of America do enact, That so much of the act approved October eleventh, one thousand eight hundred and sixty-two, as exempts from military service 'one person, either as agent, owner or overseer, on each plantation on which one white person is required to be kept by the laws or ordinances of any State, and on

which there is no white male adult not liable to military service, and in States having no such law, one person as agent, owner or overseer, on each plantation of twenty negroes, and on which there is no white male adult not liable to military service;' and also the following clause in said act, to wit: 'and furthermore, for additional police for every twenty negroes, on two or more plantations, within five miles of each other, and each having less than twenty negroes, and on which there is no white male adult not liable to military duty, one person, being the oldest of the owners or overseers on such plantations,' be and the same are hereby repealed.

SEC. 2. For the police and management of slaves, there shall be exempted one person on each farm or plantation, the sole property of a minor, a person of unsound mind, a feme sole, or a person absent from home in the military or naval service of the Confederacy, on which there are twenty or more slaves: *provided* the person so exempted was employed and acting as an overseer previous to the sixteenth of April, one thousand eight hundred and sixty-two, and there is no white male adult on said farm or plantation, who is not liable to military duty, which fact shall be verified by the affidavits of said person and two respectable citizens, and shall be filed with the enrolling officer: *and provided* the owner of such farm or plantation, his agent or legal representative, shall make affidavit and deliver the same to the enrolling officer, that, after diligent effort, no overseer can be procured for such farm or plantation not liable to military duty: *provided, further*, that this clause shall not extend to any farm or plantation on which the negroes have been placed by division from any other farm or plantation since the eleventh day of October one thousand eight hundred and sixty-two: *provided, further*, that for every person exempted as aforesaid, and during the period of such exemption, there shall be paid annually into the public treasury, by the owners of such slaves, the sum of five hundred dollars.

SEC. 3. Such other persons shall be exempted as the President shall be satisfied ought to be exempted in districts of country deprived of white or slave labor indispensable to the production of grain or provisions necessary for the support of the population remaining at home, and also on account of justice, equity and necessity.

SEC. 4. In addition to the State officers exempted by the act of October eleventh, one thousand eight hundred and sixty-two, there shall also be exempted all State officers whom the Governor of any State may claim to have exempted for the due administration of the government and laws thereof; but this exemption shall not continue in any State after the adjournment of the next regular session of its legislature, unless such

legislature shall by law exempt them from military duty in the provisional army of the Confederate States." [Approved May 1, 1863.]

An act to amend an act entitled an act to organize Military Courts to attend the Army of the Confederate States in the field, and to define the powers of said Courts, approved October 9th, 1862.

"The Congress of the Confederate States of America do enact, That, in addition to one military court to attend each army corps in the field, as now authorized by an act entitled an act to organize military courts to attend the army of the Confederate States in the field, and to define the powers of said courts, approved October ninth, eighteen hundred and sixty-two, one military court shall be organized in each of such military departments as, in the judgment of the President, the public exigencies may require: to be organized in the manner and with powers prescribed in the act of which this is amendatory." [Approved May 1, 1863.]

An act to continue and amend the third section of an act supplementary to an act concerning the Pay and Allowance due to deceased soldiers, approved February 15th, 1862, and to provide for the prompt settlement of Claims for Arrearages of Pay, allowance and bounty due deceased Officers and Soldiers.

"The Congress of the Confederate States of America do enact, That the third section of an act entitled an act supplementary to an act concerning the pay and allowance due to deceased soldiers, approved February fifteenth, eighteen hundred and sixty-two, and to provide for the prompt settlement of claims for arrearages of pay, allowance and bounty due deceased officers and soldiers, be continued of force until otherwise provided by congress." [Approved May 1, 1863.]

Joint Resolutions on the subject of Retaliation.

"Resolved by the Congress of the Confederate States of America, In response to the message of the President, transmitted to congress at the commencement of the present session, that in the opinion of congress, the commissioned officers of the enemy ought not to be delivered to the authorities of the respective States, as suggested in the said message, but all captives taken by the confederate forces ought to be dealt with and disposed of by the confederate government.

SEC. 2. That, in the judgment of congress, the proclamations of the President of the United States, dated respectively September twenty-second, eighteen hundred and sixty-two, and January first, eighteen hundred and sixty-three, and the other measures of the government of

the United States and of its authorities, commanders and forces, designed or tending to emancipate slaves in the Confederate States, or to abduct such slaves, or to incite them to insurrection, or to employ negroes in war against the Confederate States, or to overthrow the institution of African slavery, and bring on a servile war in these States, would, if successful, produce atrocious consequences, and they are inconsistent with the spirit of those usages which in modern warfare prevail among civilized nations: they may, therefore, be properly and lawfully repressed by retaliation.

SEC. 3. That in every case, wherein during the present war, any violation of the laws or usages of war among civilized nations shall be, or has been, done and perpetrated by those acting under the authority of the Government of the United States on the persons or property of citizens of the Confederate States, or of those under the protection or in the land or naval service of the Confederate States, or of any State of the Confederacy, the President of the Confederate States is hereby authorized to cause full and complete retaliation to be made for every such violation, in such manner and to such extent as he may think proper.

SEC. 4. That every white person, being a commissioned officer, or acting as such, who, during the present war, shall command negroes or mulattoes in arms against the Confederate States, or who shall arm, train, organize or prepare negroes or mulattoes for military service against the Confederate States, or who shall voluntarily aid negroes or mulattoes in any military enterprise, attack or conflict, in such service, shall be deemed as inciting servile insurrection, and shall, if captured, be put to death, or be otherwise punished at the discretion of the court.

SEC. 5. Every person, being a commissioned officer, or acting as such in the service of the enemy, who shall, during the present war excite, attempt to excite, or cause to be excited, a servile insurrection, or who shall incite or cause to be incited, a slave to rebel, shall, if captured, be put to death, or be otherwise punished at the discretion of the court.

SEC. 6. Every person charged with an offence punishable under the preceding resolution shall, during the present war be tried before the military court attached to the army or corps by the troops of which he shall have been captured, or by such other military court as the President may direct, and in such manner and under such regulations as the President shall prescribe, and after conviction, the President may commute the punishment in such manner and on such terms as he may deem proper.

SEC. 7. All negroes and mulattoes who shall be engaged in war, or be taken in arms against the Confederate States, or shall give aid or comfort to the enemies of the Confederate States, shall, when captured in the Con-

federate States, be delivered to the authorities of the State or States in which they shall be captured, to be dealt with according to the present or future laws of such State or States." [Approved May 1, 1863.]

An act to provide for the appointment of Military Storekeepers in the Provisional Army of the Confederate States.

"The Congress of the Confederate States of America do enact, That the President be authorized to appoint as many military storekeepers of ordnance in the provisional army of the Confederate States as may be deemed necessary, not to exceed in all eight storekeepers, four with the pay and allowance of a captain of infantry, and four with the pay and allowance of a first lieutenant of infantry.

SEC. 2. *Be it further enacted*, That the military storekeepers of the first class so appointed, shall be required to give bonds in the sum of twenty thousand dollars, and those of the second class in the sum of ten thousand dollars, when charged with the disbursement of funds. This act shall be in force from and after its passage: *provided*, that no one shall be appointed under its provisions except officers without commands, or officers or privates who have performed meritorious services in the field, or have become incapacitated by wounds or sickness for active service." [Approved May 1, 1863.]

An act to prevent Fraud in the Quartermaster's and Commissary Departments, and the obtaining, under false pretence, Transportation for Private Property.

"The Congress of the Confederate States of America do enact, That no officer charged with the safe-keeping, transfer or disbursement of public moneys, shall convert to his own use, or invest in any kind of property or merchandise, on private account, or lend, with or without interest, any portion of the public moneys entrusted to him for safe-keeping, transfer, disbursement, or any other purpose.

SEC. 2. That no officer charged with the safe-keeping, transfer or disbursement of public moneys, or charged with or assigned to the duty of purchasing for the government or any department thereof, shall buy, trade, traffic or speculate in, either directly or indirectly, for the purpose of gain to himself or others, by resale or otherwise, any article of food or clothing, or material of which the same is made, or which enters into or constitutes a part of the same, or any material of war or article whatsoever, which is or may be required to be purchased for the use of the army or the prosecution of the war.

SEC. 3. No officer shall take a receipt in blank for any article or arti-

cles purchased by him for the government, or any department thereof; and every receipt shall set forth the true amount paid, and on what account; and when payment is made on account of property purchased, the receipt shall set forth the name of the person from whom such property was purchased, and the place of his residence, the thing or things purchased, by items, number, weight or measurement, as may be customary in the particular case, the price thereof, and the date of payment.

SEC. 4. No officer who is in charge of transportation, or who is empowered to grant the same, shall forward by government conveyance, or at the expense of government, or to the exclusion or delay of government freight, any commodity or property of any kind, unless the same belongs to the government, or some department thereof, except as authorized by law.

SEC. 5. Any officer who shall violate any provision in the foregoing sections, shall, upon a conviction before a court martial or military court, be cashiered, and placed in the ranks as a private to serve during the war: *provided*, that nothing herein contained shall impair the civil remedy which the government may have against any officer or his sureties for fraud, speculation or misapplication of the public moneys entrusted to him by the government.

SEC. 6. *Be it further enacted*, That any person in the employment or service of the government as aforesaid, and all other persons coming within the purview of this act, who shall violate any of the provisions of the foregoing sections, shall be liable to indictment, and fined in a sum not less than one thousand dollars, and imprisoned not less than one year nor longer than five years, to be imposed by the judge or jury trying the cause, according to the course of judicial proceeding in force in the several States: *provided* the provisions of this act shall in no wise interfere with or impair the civil remedy which the government may have against any of said officers or their securities or employees for frauds, speculation or misapplication of the moneys entrusted to them respectively, by the Confederate States: *provided also*, that all conservators of the peace, who, by the laws of the several States, have jurisdiction to commit or bind over offenders for breaches of the criminal laws of the State in which they may reside, shall have power to commit or bind over, in a sufficient recognizance, offenders against the provisions of this law, to appear at the next term of the district court of the Confederate States, within the jurisdiction of which the offence was committed, for trial, in the same manner and under the same rules as if such preliminary trial were had before the judge of such district court; and the judges of the confederate courts having jurisdiction of the offences defined by this act shall,

at the commencement of each session of their respective courts, give this act and its provisions especially in charge to the different grand juries." [Approved May 1, 1863.]

An act to pay Officers, Non-Commissioned Officers and Privates not legally mustered into the service of the Confederate States, for Services actually performed.

"The Congress of the Confederate States of America do enact, That all officers, non-commissioned officers and privates of any legally constituted military organization, which may have been actually received into the service of the Confederate States by any general officer thereof, but were never legally mustered into service, in consequence of the loss of the muster rolls of such military organization, shall be entitled to receive pay from the time they were so received: *provided* the fact of their having been so received into the service, and the time they served, is duly proved to the satisfaction of the Secretary of War, under rules to be prescribed by him." [Approved May 1, 1863.]

An act to provide for the Transfer of persons serving in the Army to the Navy.

"The Congress of the Confederate States of America do enact, That all persons serving in the land forces of the Confederate States, who shall desire to be transferred to the naval service, and whose transfer as seamen or ordinary seamen shall be applied for by the Secretary of the Navy, shall be transferred from the land to the naval service: *provided*, that nothing in this act shall be so construed as to alter or repeal any law now in force limiting the number of seamen." [Approved May 1, 1863.]

An act regulating the granting of Furloughs and Discharges in Hospitals.

"The Congress of the Confederate States of America do enact, That sick, wounded and disabled soldiers in hospitals shall be entitled to furloughs and discharges, under the following rules and regulations: In places where there are three or more hospitals, three surgeons in charge of hospitals, or divisions in hospitals, shall constitute a board of examiners for the hospitals to which they belong, whose duty it shall be, twice in each week, to visit said hospitals, and examine applicants for furloughs and discharges; and in all cases where they shall find an applicant for furlough unfit for military duty, either from disease or wounds, and likely so to remain for thirty days or upwards, they shall grant a furlough for such time as they shall deem him unfit for duty, not to exceed sixty days.

Said board shall keep a secretary or clerk, who shall issue all furloughs by order of the board, and shall specify therein the time of furlough, the place of the residence of the soldier, his company, regiment and brigade.

SEC. 2. *Be it further enacted*, That no further regulation shall be required of the soldier, and no passport required other than his furlough.

SEC. 3. *Be it further enacted*, That the said board may recommend discharges, stating the ground thereof, which, when approved by the Surgeon General or the General commanding the army or department to which the soldier belongs, shall entitle him to a discharge and transportation to the place of his enlistment or residence.

SEC. 4. *Be it further enacted*, That in places where there are but two hospitals, two surgeons in charge of a hospital or division shall constitute a board for the purposes aforesaid: and in places where there is but one, the surgeon in charge, and two assistant surgeons, if there be two, and if not, then one, shall constitute a board for the purpose aforesaid, and may furlough and recommend discharges as aforesaid: *provided*, that no furlough shall be granted under the provisions of this act, if, in the opinion of the board, the life or convalescence of the patient would be endangered thereby.

SEC. 5. The house surgeon in all hospitals shall see each patient under his charge once every day." [Approved May 1, 1863.]

By order.

S. COOPER,
Adjutant and Inspector General.